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6 Attorneys for Real Party-Intervenor,  
The Newhall Land and Farming Company  
7

8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 CENTER FOR BIOLOGICAL DIVERSITY, ) Case No. 07-CV-2380 (JM AJB)

11 )  
12 Plaintiff, )

**PROOF OF SERVICE**

13 v. )

Assignment:

The Honorable Jeffrey T. Miller

14 UNITED STATES FISH AND WILDLIFE )  
SERVICE and DIRK KEMPTHORNE, )  
15 Secretary of the Interior )

16 Defendants. )

Date: April 25, 2008

Time: 1:30 p.m.

Place: Courtroom 16

17 )  
18 THE NEWHALL LAND AND FARMING )  
COMPANY, )

Oral Argument Not Required

19 )  
20 Real Party-Intervenor. )  
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**PROOF OF SERVICE**

I declare that I am employed with the law firm of Gatzke Dillon & Ballance LLP, whose address is 1525 Faraday Avenue, Suite 150, Carlsbad, California 92008. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on March 19, 2008, I served a copy of the following document(s):

**1) THE NEWHALL LAND AND FARMING COMPANY'S NOTICE OF MOTION TO INTERVENE AS REAL-PARTY INTERVENOR;**

**2) THE NEWHALL LAND AND FARMING COMPANY'S MOTION TO INTERVENE AS A REAL PARTY-INTERVENOR;**

**3) THE NEWHALL LAND AND FARMING COMPANY'S MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF MOTION TO INTERVENE AS REAL PARTY-INTERVENOR;**

**4) DECLARATION OF DAVID P. HUBBARD IN SUPPORT OF THE NEWHALL LAND AND FARMING COMPANY'S MOTION TO INTERVENE AS REAL PARTY-INTERVENOR**

☐ **BY FACSIMILE [Code Civ. Proc sec. 1013(e)]** by sending a true copy from Gatzke Dillon & Ballance LLP's facsimile transmission telephone number (760) 431-9512 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with Gatzke Dillon & Ballance LLP's practice for sending facsimile transmissions, and know that in the ordinary course of Gatzke Dillon & Ballance LLP's business practice the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed at Gatzke Dillon & Ballance LLP for transmission.

☐ **BY U.S. MAIL [Code Civ. Proc sec. 1013(a)]** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Gatzke Dillon & Ballance LLP, 1525 Faraday Avenue, Suite 150, Carlsbad, CA 92008 in accordance with Gatzke Dillon & Ballance LLP's ordinary business practices.

I am readily familiar with Gatzke Dillon & Ballance LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Gatzke Dillon & Ballance LLP's business practice the document(s) described above will be deposited with the United States Postal Service for collection and mailing on the same date that it (they) is (are) placed at Gatzke Dillon & Ballance LLP with postage thereon fully pre-paid.

☐ **BY OVERNIGHT DELIVERY [Code Civ. Proc sec. 1013(d)]** by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by Golden State Overnight, at 1525 Faraday Avenue, Suite 150,

Carlsbad, California 92008 in accordance with Gatzke Dillon & Ballance LLP's ordinary business practices.

I am readily familiar with Gatzke Dillon & Ballance LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Gatzke Dillon & Ballance LLP's business practice the document(s) described above will be delivered to an authorized courier or driver authorized by Golden State Overnight to receive documents on the same date that it (they) is are placed at Gatzke Dillon & Ballance LLP for collection.

- ☐ **BY PERSONAL SERVICE [Code Civ. Proc sec. 1011]** by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and delivery at Gatzke Dillon & Ballance LLP, causing personal delivery of the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with Gatzke Dillon & Ballance LLP's practice for the collection and processing of documents for hand-delivery and know that in the ordinary course of Gatzke Dillon & Ballance LLP's business practice the document(s) described above will be taken from Gatzke Dillon & Ballance LLP and hand-delivered to the document's addressee (or left with an employee or person in charge of the addressee's office) on the same date that it is placed at Gatzke Dillon & Ballance LLP.

- ☒ **BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6]** by electronically mailing a true and correct copy through Gatzke Dillon & Ballance LLP's electronic mail system to the e-mail address(s) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6.

Lisa T. Belenky Center for Biological Diversity 1095 Market Street, Suite 511 San Fransico, CA 94103 <a href="mailto:lbelenky@biologicaldiversity.org">lbelenky@biologicaldiversity.org</a> Attorney for Plaintiff, Center for Biological Diversity	_____ Fax _____ U.S. Mail _____ Overnight _____ Personal <u>  X  </u> Electronic
Meredith Flax U.S. Department of Justice, Division WMRS Ben Franklin Station P.O. Box 7369 Washington, DC 20044-7369 <a href="mailto:Meredith.flax@usdoj.gov">Meredith.flax@usdoj.gov</a> Attorney for Defendant, U.S. Fish and Wildlife Service	_____ Fax _____ U.S. Mail _____ Overnight _____ Personal <u>  X  </u> Electronic
Thomas C. Stahl U.S. Attorneys Office Southern District of California 880 Front Street, Room 6293 San Diego, CA 92101 <a href="mailto:Thomas.stahl@usdoj.gov">Thomas.stahl@usdoj.gov</a>	_____ Fax _____ U.S. Mail _____ Overnight _____ Personal <u>  X  </u> Electronic

1 Attorney for Defendant, U.S. Fish and Wildlife Service

2 I declare under penalty of perjury under the laws of the State of California that the  
3 foregoing is true and correct.

4 Executed at Carlsbad, California on March 20, 2008.

5 /s/ Rainee Fend

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